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In re Application of	:	
ITOI et al.	:	
U.S. Application No.: 10/564,942	:	DECISION ON PETITION
PCT No.: PCT/JP04/10743	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 21 July 2004	:	
Priority Date: 25 July 2003	:	
Attorney Docket No.: 126218	:	
For: HUB DYNAMO	:	

This decision is in response to applicants' "Petition under 37 CFR 1.47(a)" filed 03 April 2006 to accept the application without the signature of joint-inventor, Kenji Itoi.

BACKGROUND

On 21 July 2004, applicants filed international application PCT/JP04/10743 which claimed a priority date of 25 July 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 03 February 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 25 January 2006.

On 18 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which accompanied by, inter alia: the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment; and an application data sheet.

On 15 February 2006, applicants filed a declaration executed by four of the five joint-inventors.

On 03 April 2006, applicants filed the present petition under 37 CFR 1.47(a).

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17, (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and behalf of the nonsigning joint inventor. Items (1) - (4) have been satisfied.

A review of the present petition reveals that applicant has satisfied item (2), in that the applicants have shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Kenji Itoi. The steps taken by Tetsuo Hirose are sufficient to show that the nonsigning inventor refuses to execute the application. Accordingly, it is appropriate to accord the national stage application status under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The application will be given an international filing date of 21 July 2004 under 35 U.S.C. 363, and a date of **15 February 2006** under 35 U.S.C. 371(c).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



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